

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Jules M. Singleton,) C/A No. 5:12-917-JMC-KDW	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Lt. Donald Westen;)	
Sgt. Jennines;)	
Officer D. Lee, and)	
Inmate Tyrone Grailford,)	
)	
Defendants.)	

This is a civil action filed by a state prisoner proceeding *in forma pauperis*.

This case is before the court for consideration of the recent Motion to Amend/Correct submitted by Plaintiff. (ECF No. 35). In the Motion and accompanying documents, Plaintiff indicates that when he originally submitted his pleadings to the court for filing, he intended to file two separate cases, each against two defendants, instead of one case against four defendants, as the Clerk of Court set up the docket in this case. Although both complaints were sent to the court in the same envelope, making his intent questionable, Plaintiff asserts clerical error which the court can now correct so that Plaintiff's intent in filing the cases is carried out to the fullest extent possible.

Accordingly, Plaintiff's Motion to Amend/Correct, ECF No. 35, is **granted**.

TO THE CLERK OF COURT:

The Clerk of Court is directed to open a new, separate case in which "Jules M. Singleton" is listed as Plaintiff and "Lt. Donald Westen" and "Sgt. Jennines" are listed as Defendants. The Clerk of Court is directed to terminate "Lt. Donald Westen" and "Sgt. Jennines" from the list of Defendants on the docket of this case, leaving Defendants Lee and Grailford as the only Defendants in this case.

The Clerk of Court is directed to remove pages 1, 3, 6, 9 from the document that is docketed as the Complaint in this case (ECF No. 1), and to then docket those pages (1, 3, 6, 9) as the complaint in the newly created case. The Clerk of Court is also directed to remove pages 3 and 4 from the attachment to the Complaint in this case, and to then docket those pages (3 and 4) as an attachment to the complaint in the newly created case. The Clerk of Court is also directed to docket a copy of the Order Authorizing Service of Process recently entered in this case (ECF No. 26) and

a copy of this Order in the newly created case. The Clerk of Court is directed to set the same deadlines in the newly created case as are currently set in this case.

The Clerk of Court is directed to provide all parties with a copy of this Order and with the case number for the newly created case by U.S. mail. The provision of copies of this Order shall provide notice to Plaintiff and Defendants that “Officer Lee” and “Inmate Tyrone Grailford” are required to file an answer in this case, and that “Lt. Donald Westen” and “Sgt. Jennines” are required to file their answers in the newly created case.

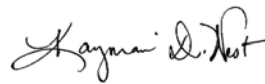
TO DEFENDANTS:

This one case is being divided into two separate cases.

Once served, Defendants Westen and Jennines are directed to file their answer to the Complaint in the newly created case in which they are the only two defendants. That case number is being provided to Defendants Westen and Jennines along with their copy of this Order.

Once served, Defendants Lee and Grailford are directed to file their answer to the Complaint in this case in which they remain as the only two Defendants.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Kaymani D. West". The signature is fluid and cursive, with the first name being the most prominent.

August 6, 2012
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge